



Capitol Broadcasting Company, Inc., 2619 Western Blvd., P.O. Box 12000, Raleigh, NC 27605

---

DIANNE SMITH  
Special Projects Counsel  
(919) 821-8933  
Fax (919) 890-6095  
email: dsmith@cbc-raleigh.com

June 2, 2005

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

RE: *EX PARTE NOTICE – In the Matter of: Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004 and Implementation of Section 340 of the Communications Act*, MB Docket No. 05-49

Dear Ms. Dortch:

On behalf of Capitol Broadcasting Company, Inc. (CBC), today via telephone I spoke with Eloise Gore, Assistant Division Chief, Policy Division, Media Bureau, to ask the following:

A television broadcast station appears on the Commission's significantly viewed list as defined in 47 C.F.R. § 76.5(i).

The station was an affiliate of the one of the "three major networks," as defined in 47 C.F.R.

§ 76.5(j) at the point in time it was added to the significantly viewed list. Thus, the station met the higher standard of "a share of viewing hours of at least 3 percent (total week hours), and a net weekly circulation of at least 25 percent." *See* 47 C.F.R. § 76.5(i).

Today the station is no longer an affiliate of one of the three major networks. It is a FOX affiliate. Therefore, it is now an "independent" station as defined in 47 C.F.R. § 76.5(l).

If a party seeks to modify the significantly viewed list in order to re-impose network non-duplication and syndicated exclusivity requirements on the above station, does the party apply the network or the independent standard to determine if the station remains significantly viewed? *See* 47 C.F.R. §§ 76.92, 76.93, 76.101, and 76.103.

Ms. Gore indicated that the Commission has not previously answered this question. Therefore, CBC respectfully requests this question be answered in the pending rulemaking in the above docket.



*Capitol Broadcasting Company, Inc., 2619 Western Blvd., P.O. Box 12000, Raleigh, NC 27605*

---

If there are questions relating to this filing, please contact the undersigned.

Best regards,

/s/ Dianne Smith

Dianne Smith  
Special Projects Counsel

Page 2  
Gore Ex Parte  
June 2, 2005

cc. Eloise Gore

/vds